

**REMARKS**

In the instant Office Action generally:

5                Claims 1-9 were "rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention."

10              Claim 1 was "rejected under 35 U.S.C. 103(a) as being unpatentable over Isoda et al. (US 6,647,016) in view of Boucher et al. (US Patent No. 6,434,620), and further in view of Yamaguchi (US Patent No. 5,978,355)."

15              Claims 2 and 3 were "objected to as being dependent upon a rejected base claim, but [they were indicated] to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

20              Claims 4-9 were indicated to "be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action."

I.     The 35 U.S.C. 112, second paragraph, rejections are overcome by amendment or explanation.

25              A.     With regard to independent claim 1, line 3 has been amended as indicated above to further clarify the claim language. It is noted that this amendment is neither narrowing nor made in response to any prior art.

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It is respectfully submitted that any rejections to claims 1-3 under 35 U.S.C. 112, second paragraph, have hereby been remedied.

5 B. With regard to independent claim 4, no amendments have been made. The **storage area network node** of line 1 with which the method is at least primarily implemented differs from the **storage node** of line 3. Nevertheless, claim 4 has been amended at line 19 as indicated above; however, this amendment is neither narrowing nor made in response to any prior art.

10 It is respectfully submitted that any rejections to claims 4-9 under 35 U.S.C. 112, second paragraph, are therefore inappropriate.

Consequently, withdrawal of the 35 U.S.C. 112, second paragraph, rejections is respectfully requested.

15 II. Status of the claims in view of the above-presented 112, second paragraph, arguments.

It is believed that claims 2 and 3 are now effectively considered  
20 allowable if rewritten in independent form including the limitations of the base claim 1 (even prior to consideration of the arguments for claim 1 below).

It is also believed that claims 4-9 are now effectively allowable.

Claim 1 is addressed below under numerals III, IV, V, and VI.

New claims 10-19 are addressed below under numeral VII.

III. The Isoda document fails to describe the **instructions for initializing** and the **instructions for dynamically adjusting** as recited in claim 1.

5 Applicant agrees in principle with page 3 of the Office Action, which reads:

The Isoda failed to explicitly disclose [bold emphasis removed] wherein the memory system stores:

10 instructions for initializing the maximum queue depth for the at least one storage node to a value dependent on a type of the at least one storage node, and

15 instructions for dynamically adjusting the current queue depth associated with the storage node based upon queue refusals generated by the storage node and the maximum queue depth associated with the storage node.

IV. The application of Boucher to claim 1 is inappropriate under the facts and the law.

20 A. The Office Action reads at the last paragraph of page 3, "The Boucher disclosed [bold emphasis removed] such instructions for initializing the maximum queue depth for the at least one storage node to a value dependent on a type of the least one storage node (*see col. 72 lines 45-54*)."

25 B. First, the Boucher document is not analogous art. Claim 1 is directed to storage area networks and controlling communications across the network. Boucher, on the other hand, appears to be

limited to manipulation within a single computer, especially with regard to the cited portion of Boucher.

Boucher reads at column 72, lines 45-54:

5           The final major reset function that is performed is  
queue initialization. Each queue uses 128 bytes of SRAM, and  
a configurable amount of DRAM, from a minimum of 1K bytes  
to a maximum of 128K. First the queues are initialized to the  
DRAM size defined by control store constants. Each queue  
10       begins its use of DRAM on the 128K boundary following the  
beginning of the previous queue, so after the queues are  
initialized, a mechanism for recovering the free space between  
queues that have not been initialized to maximum size is  
initiated.

15           The Boucher portion is apparently cited because of the  
“defined by control store constants” phrase. There does not appear to  
be any description as to what the “control store” is or does and/or  
what the “control store constants” may represent or indicate.

20           Second, Isoda and Boucher cannot have been  
combined in any manner for any purpose because there is insufficient  
motivation to have combined them. Even assuming, *arguendo*, that  
there would have been sufficient motivation to combine them in some  
manner and/or for some purpose, such a hypothetical combination  
would not result in the claimed invention as recited in claim 1.

25           It is noted that the terminology used in the Office Action  
at the first paragraph at the top of page 4 relies solely on the  
terminology of the current Application and claims. It is respectfully  
submitted that here are no analogous or otherwise corresponding  
terms or concepts in Boucher.

C. The cited portion of Boucher does not describe or teach at least the **instructions for initializing the maximum queue depth for the at least one storage node to a value dependent on a type of the at least one storage node** element(s) of claim 1.

5 Specifically, there does not appear to be any description or explanation of what the “control store constants” of Boucher are. Consequently, “control store constants” cannot be factually asserted to correspond to **a type of the at least one storage node**.

10 V. The application of Yamaguchi to claim 1 is inappropriate under at least the facts.

A. The Office Action reads at the second paragraph of page 4, “Yamaguchi disclosed [bold emphasis removed] such  
15 instructions for dynamically adjusting the current queue depth associated with the storage node based upon queue refusals generated by the storage node and the maximum queue depth associated with the storage node (*see abstract and col. 5 line 46-51: the re-assembling queue is automatically adjusted every time of  
20 occurrence*).” [italics emphasis in original]

B. It therefore appears that the Office Action is attempting to draw a correspondence between **current queue depth** of claim 1 and the “re-assembling queue” of Yamaguchi.

However, the **current queue depth** of claim 1 relates to  
25 output intended for a remote node. In contradistinction, the “re-

assembling queue" relates to input at a local node. Specifically, the "re-assembling queue" relates to a receiving queue at a node that is actually doing the automatic adjusting at every time of occurrence (paraphrasing column 5, lines 47-48 of Yamaguchi).

5                   As such, it is respectfully submitted that the "re-assembling queue" of Yamaguchi cannot be used to teach **instructions for dynamically adjusting the current queue depth associated with the storage node based upon queue refusals generated by the storage node and the maximum queue depth**  
10 **associated with the storage node.** As is evident from the text of claim 1, the **queue refusals are generated by the storage node**, not the **initiator node**.

15           VI. In summary with respect to claim 1: As admitted in the Office Action, the Isoda document fails to describe the **instructions for initializing** and the **instructions for dynamically adjusting** as recited in claim 1. It is respectfully submitted that the asserted combination of Isoda with Boucher and/or with Yamaguchi fails to remedy either of these deficiencies. With  
20 regard to Boucher, Boucher is legally non-analogous art, and there is no aspect of Boucher that can factually correspond to **a value dependent on a type of the at least one storage node**. With regard to Yamaguchi, no aspect thereof can factually correspond to **adjusting the current queue depth associated with the storage node based upon queue refusals**  
25 **generated by the storage node.**

VII. With respect to claims 10-19, it is respectfully submitted that no art of record, either alone or in any combination, anticipates or renders obvious at least the following elements in conjunction with the other elements of independent claim 10: **first adjustment means for adjusting the current queue depth associated with the storage node downwardly when the current queue depth is greater than the minimum queue depth and the storage node refuses to queue an issued command.**

Claims 11-19 depend from claim 10. Although each pending dependent claim includes additional element(s) militating toward allowability, it is respectfully submitted that the dependent claims are allowable at least for the reasons given above in connection with independent claim 10.

**CONCLUSION**

Claims 1-19 are believed to be in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the present application. Should any issue remain that prevents immediate allowance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss any such unresolved issue.

Respectfully Submitted,

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